S.B. Criminal Misc. Bail Application No.7086/2006
Anil Prajapati and others Vs. State of Rajasthan

Date Of Order :: 13.11.2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. A.K. Pareek with
Mr. Mahesh Gupta, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that they have falsely been implicated in this matter and according to the prosecution case hot exchanges between the parties started on some trifling matter. It is also submitted that according to the injured Annu, Mohan inflicted one Sariya blow on his head and the accused petitioners have not been assigned any such injury. It is also submitted that co-accused Mohan has been arrested and thereafter released on bail and most of the accused petitioners are students and have not specifically been assigned any injury. It is further submitted that cross FIR has also been lodged against the complainant party.

Learned Public Prosecutor opposed the bail application.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of allegations, material on record, all other facts and circumstances and also keeping in view that the dispute started on some trifling matter of lightening the crackers and the accused petitioners have not been assigned the head injury sustained by the injured Annu, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Anil, Mukesh,

Mahesh, Sonu and Rakesh.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Anil, Mukesh, Mahesh, Sonu and Rakesh, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.444/2006 registered at Police Station Kotwali, Jaipur provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer; and
3. that the petitioners shall not leave India without previous permission of Court.

(J.R. Goyal),J.

VS Shekhawat/-
Jr.P.A.